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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,210	07/22/2003	Timothy R. Oury	39554-P001US	7056
7590	09/09/2005		EXAMINER	
Ross Spencer Garsson Winstead Sechrest & Minick P.C. P.O. Box 50784 1201 Main Street Dallas, TX 75250-0784			LEGESSE, NINI F	
			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/624,210	OURY, TIMOTHY R.
	Examiner Nini F. Legesse	Art Unit 3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Nini F. Legesse  
09/03/05

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

**Applicant's response to the Office Action of 11/10/04 is acknowledged on 06/23/05.**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19 and 20 are rejected** under 35 U.S.C. 102(b) as being anticipated by Odom (US Patent No. 4,665,565).

**With regards to claim 3,** Odom shows a first glove (10) having a first attachment feature (34) on a glove surface area above the thumb (see Fig. 2). Odom discloses a second attachment feature (28) on the second golf glove (10'); and wherein the first and the second attachments are mated in use (see Fig. 4). Please note that left and right hand gloves illustrated in Figs. 1 and 2 are mirror images of each (column 2, lines 31-39). Item 28 on the first glove surface is considered as first location feature for locating the golf club shaft (see Fig. 3).

**With regards to claims 4,** item 36 on the first glove above and adjacent to a top surface of an index finger as shown on Fig. 2 is considered a third attachment feature.

**With regards to claims 5,** item 26a that is present on both 1<sup>st</sup> and 2<sup>nd</sup> glove elements is considered as a fourth attachment feature that is above and adjacent to a palm surface of a little finger of the second golf (see Fig. 3).

**With regards to claim 6,** the Odom's device is inherently capable of performing the stated function.

**With regards to claims 7 and 8,** Odom discloses attachment features consisting a hook and loop attachment system (see column 1, lines 45-50).

**With regards to claims 10, 11, 13, 14, 15, 16, 17, 18, 19, and 20** they are directed to the inherent method steps of using the Odom's device.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 3** is rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson (US Patent No. 6,732,377).

Wilkinson discloses a first glove (31) having a first attachment feature (34) on a glove surface area above the thumb (34). Wilkinson also discloses a second attachment feature (39) on the second golf glove (10'); and wherein the first and the second attachments are mated in use (see column 5, lines 5+).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9, 12, 21, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Odom in view of Figs. 5-6 showing different embodiment in the same Odom reference.

**With regards to claim 9,** the phrase “attachment feature” as recited in most of the claims is a very broad term. In as much structure set forth by applicant in the claims, any part of Odom’s glove could be considered as an “attachment feature”. As disclosed above, most of the claims recitations are met with the first embodiment of the Odom’s invention. However, the claim limitation as recited in claim 9 is not met with the first embodiment of the Odom’s invention. The 1<sup>st</sup> embodiment of Odom fails to teach the use of a fifth attachment feature on a grip of the golf club. On the other hand, if one modifies the 1<sup>st</sup> embodiment of Odom to include the 2<sup>nd</sup> embodiment features of Odom (the golf club grip element 42 and/or 44), the limitation of claim 9 would to be met.

Please note that part of item 28 from the 1<sup>st</sup> embodiment will be capable of interacting with club grip element 42 of he 2<sup>nd</sup> embodiment. This grip element 42 and/or 44 in the 2<sup>nd</sup> embodiment of the Odom’s reference can be considered as a fifth attachment feature on a grip. The first embodiment teaches the use of attachments for interlocking union of a golfer’s hands while the second embodiment teaches the use of attachments for the interlocking union of the golfer’s hands to the club shaft. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the first embodiment of Odom with a golf grip attachment feature as taught in the second embodiment (see Fig. 5-6) in order to provide a multipurpose device that serves

to firmly secure the golfer's selected hand grip in proper positions to one another and at the same time firmly unite the hands to the golf club eliminating any release of the golf club during the golf swing.

**With regards to claim 12** it is directed to the obvious method step of using the Odom's device.

**With regards to claims 21, and 22** they are directed to the obvious method steps of using the Odom's device as modified above.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 2-22 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nini F. Legesse

09/03/05